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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SE-US045035									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/780,903	Filed February 19, 2004									
	First Named Inventor Akihiko MARUYAMA										
	Art Unit 7554	Examiner Thanh S. Phan									
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td>_____ /Akiyoshi Onda/ Signature</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td>_____ Akiyoshi Onda Typed or printed name</td></tr><tr><td><input type="checkbox"/> attorney or agent of record. Registration number _____</td><td>_____ 202-293-0444 Telephone number</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ L0336</td><td>_____ November 7, 2008 Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	_____ /Akiyoshi Onda/ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	_____ Akiyoshi Onda Typed or printed name	<input type="checkbox"/> attorney or agent of record. Registration number _____	_____ 202-293-0444 Telephone number	<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ L0336	_____ November 7, 2008 Date
<input type="checkbox"/> applicant/inventor.	_____ /Akiyoshi Onda/ Signature										
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<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.											

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SE-US045035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Mail Stop AF
	:	
Akihiko MARUYAMA et al.	:	Patent Art Unit: 2833
	:	
Serial No. 10/780,903	:	Examiner: Thanh S. Phan
	:	
Filed: February 19, 2004	:	Confirmation No. 7554
	:	
For: TIMEPIECE DRIVING APPARATUS	:	
AND TIME CALCULATING	:	
APPARATUS	:	

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Assistant Commissioner of Patents
 Washington, DC 20231
 Sir:

In accordance with the Notice published in the July 12, 2005 Official Gazette, Applicant hereby requests a Pre-Appeal Brief Conference. The issue at hand has a factual basis, and therefore appears to be appropriate for a Pre-Appeal Brief Conference. The Office Action's omission of essential elements needed for a *prima facie* rejection presents a clear legal or factual deficiency in the rejections. Thus, the rejections are suitable for consideration in a Pre-Appeal Brief Conference.

A Notice of Appeal and the appropriate fees are filed with this request. No fee is believed to be due for the proper submission of this request. However, the Commissioner is authorized to charge any fees necessary associated with an extension of time to Deposit Account No. 50-1836.

BACKGROUND

Claims 10, 12-15, 18, 19, 21-23, 26, and 28-30 are pending with claims 10, 18, 19, 21, and 26 being the only independent claims. In August 7, 2008 Final Office Action, claims 10, 12-15, 18, 19, 21-23, 26, and 28-30 are finally rejected over the prior art of record as follows:

- Claims 10, 12-14, 18, 19, 21-23 and 28-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,365,139 to Kasuga et al. (hereinafter "Kasuga et al. patent").

- Claims 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kasuga et al. patent in view of U.S. Patent No. 6,603,236 to Nagasaka (hereinafter “Nagasaka patent”).
- Claim 15 was not examined.

Applicant respectfully asserts the Office Action *omits* essential elements needed for a *prima facie* rejection of claims 1-3 and 5-9.

BRIEF SUMMARY OF ARGUMENT

The Kasuga et al. patent **fails** to disclose or suggest a radio controlled timepiece with a current time unit sequentially **updating the current time information** using the time corresponding to the time information received by the receiving unit.

CONCISE EXPLANATION OF ARGUMENTS

Applicants respectfully assert that the Office Action omits essential elements needed for a *prima facie* rejection of at least independent claim 10.

More specifically, independent claim 10 recites at least the following arrangements:

- a communication unit to communicate with an external communication device via the antenna, the communication unit having a receiving unit **receiving time information** at a specific cycle from the outside via the antenna, and a current time counter unit sequentially **updating the current time information** using the time corresponding to the time information received by the receiving unit **as a reference**.
- the mechanical structure displaying the time information on the time display unit **on the basis of the current time information**.

In other words, independent claim 10 requires sequential operations of updating the current time by receiving the time information and displaying the current time.

CURRENT TIME COUNTER IS NOT DISCLOSED BY REFERENCE

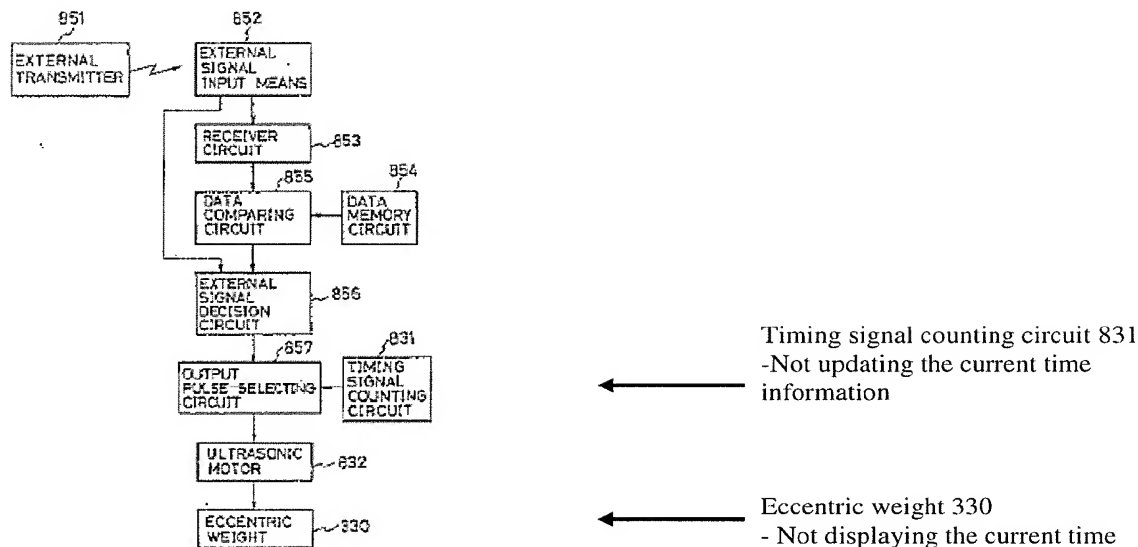
Applicants respectfully assert such unique arrangement of the communication unit with the current time counter unit recited in independent claim 10 is **not** disclosed or suggested by prior art of record.

The Office Action asserts that the timing signal counting circuit 831 of the Kasuga et al. patent corresponds to the current time counter unit recited in independent claim 10. Applicants respectfully disagree for the following reasons.

First, the Kasuga et al. patent discloses in column 17, lines 45-49 that a vibrating alarm clock or vibrating timer can be realized by incorporating a timing signal counting circuit 831 into the electronic circuit to permit the eccentric weight 330 which is rotated by an ultrasonic motor 832 to be rotated at a desired time. Also, the Kasuga et al. patent discloses in column 18, lines 2-6 that an output pulse-selecting circuit 857 receives the output signal from the external signal decision circuit and the output signal from the timing signal counting circuit 831 and operates. **No other part** of the Kasuga et al. patent describes the timing signal counting circuit 831.

Second, The Office Action rejects independent claim 10 by referring to Fig. 32 of the Kasuga et al. patent because Fig. 32 discloses that the timing signal counting circuit 831 is connected to the receiving unit 853 via the data comparing circuit 855, the external signal decision circuit 856, and the output pulse-selecting circuit 857. Further, the Office Action states in the Response to Arguments section that “the received signals are amplified by the receiver circuit, and converted into **other form**,” which are referred to in updating the current time as illustrated in Figure 32. However, as illustrated in Fig. 32, the ultrasonic motor 832 is connected to the eccentric weight 330. Therefore, Applicants respectfully assert that the other form mentioned above is **not** the current time information displayed, but rather a notice in way of vibrating the eccentric weight 330. As evidence, the Kasuga et al. patent discloses in column 6, lines 39-40 that Fig. 32 is a block diagram of the embodiment of the novel pocket bell, pager, mobile telephone, and alarm. Applicant respectfully believes that **none** of the pocket bell, pager, mobile telephone, and alarm necessarily updates the current time, unlike the radio controlled timepiece of the present invention.

FIG. 32



Finally, Applicants respectfully assert that the Kasuga et al. patent never discloses a configuration that updates, corrects, nor compensates the current time information. Applicants respectfully assert that the Kasuga et al. are totally **silent** with regards to the radio controlled timepiece that receives the signals and updates the current time information on the basis of the signals.

Applicants respectfully and reasonably assert that the timing signal counting circuit 831 of the Kasuga et al. patent does **not** update the current time information. A mere fact that the Kasuga et al. patent discloses the timing signal counting circuit 831, the receiving unit 853, the data comparing circuit 855, the external signal decision circuit 856, and the output pulse-selecting circuit 857 does not make the present invention obvious simply because the Kasuga et al. patent **omits** an important element. Applicants respectfully assert that the timing signal counting circuit 831 of the Kasuga et al. patent does not correspond to the current time counter unit recited in claim 10. Withdrawal of the rejection is respectfully requested.

As independent claims 18, 19, 21, and 26 similarly recite the aforementioned, Applicants respectfully assert that claims 18, 19, 21, and 26 are also allowable for the reasons stated above.

DEPENDENT CLAIMS

Moreover, Applicant believes that dependent claims 11-15, 22, and 23 are also allowable over the prior art of record in that they depend from independent claim 10 or 21, and therefore are allowable for the reasons stated above. Also, dependent claims 11-15, 22, and 23 are further allowable because they include additional limitations.

CONCLUSION

In view of the above comments, Applicant respectfully requests that the rejections be withdrawn. Applicant respectfully asserts that claims 10-15, 18, 19, 21-23, and 26 are in condition for allowance.

Respectfully submitted,

/Akiyoshi Onda/

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Limited Recognition No. L0336

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